

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 23, 2004**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Revisions to City Code Relating to Lynchburg Regional Airport Minimum Operating Standards**

RECOMMENDATION: Approve revisions to the City Code to incorporate the new Airport Minimum Standards for Aeronautical Services or Activities (Minimum Standards) at Lynchburg Regional Airport approved by Council at its August 10, 2004 Work Session.

SUMMARY:

In the spring of 2002, the Chairman of the Lynchburg Regional Airport Commission appointed an ad-hoc committee comprised of four Commission Members to research, revise, and update the airport's minimum operating standards. Minimum standards are used by airports to establish required levels of service for all commercial aeronautical operators in order to ensure compliance with certain grant assurances associated with federal funding requirements. The committee and Commission spent more than two years producing a new minimum standards document that incorporated input from the public (through the Public Hearing process), the entire Airport Commission, the Federal Aviation Administration (FAA) and from airport management. The new Airport Minimum Standards were approved by the full Airport Commission on May 10, 2004 and by City Council at its August 10, 2004 Work Session.

Since current City Code governing aviation activities includes an outdated section that addresses minimum operating standards at Lynchburg Regional Airport, it has become necessary to revise that section. At the same time, other sections of the City Code governing aviation were also reviewed and revised as appropriate.

PRIOR ACTION(S):

August 10, 2004	Council review and approval of final draft of new Minimum Standards
May 10, 2004	Review and approval of final draft of new Minimum Standards by Airport Commission
March 15, 2004	Review by the Federal Aviation Administration
October 13, 2003	Review and approval of draft of new Minimum Standards by Airport Commission
July 29, 2003	Minimum Standards Committee revisions after Public Hearing comments reviewed
June 23, 2003	Second Public Hearing held
April 28, 2003	Initial draft of new Minimum Standards released for public comment
June 20, 2002	Initial Public Hearing to solicit public input regarding minimum standards process

FISCAL IMPACT: None

CONTACT(S): Mark F. Courtney 455-6089 Airport Manager

ATTACHMENT(S):

1) An Ordinance with revisions to Chapter 9 of the City Code

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 9-1. DEFINITIONS, 9-3. AIRPORT MANAGER, 9-4. SAME-DUTIES GENERAL, 9-5. AIRPORT EMPLOYEES, 9-6. RULES AND REGULATIONS GENERALLY, AND 9-6.1. CITY ORDINANCES OF THE CODE OF THE CITY OF LYNCHBURG, 1981; TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTIONS 9-7. MINIMUM ALTITUDE, 9-8. HELICOPTER LANDINGS, TAKEOFFS, 9-9. STUNT FLYING PROHIBITED, 9-10. DROPPING OF ADVERTISEMENTS, ETC., PROHIBITED, 9-11. TOOLS, EQUIPMENT TO BE SECURED, AND SECTIONS 9-23 THROUGH 9-38 FIXED BASE OPERATORS; AND, TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO SECTION 9-39. MINIMUM STANDARDS FOR AERONAUTICAL SERVICES OR ACTIVITIES. THE AMENDED, REPEALED AND NEW SECTIONS RELATING TO GENERAL AVIATION ACTIVITIES AND THE MINIMUM STANDARDS FOR AERONAUTICAL SERVICES OR ACTIVITIES AT THE LYNCHBURG REGIONAL AIRPORT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 9-1, 9-3, 9-4, 9-5, 9-6 and 9-6.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 9-1. Definitions.

For the purpose of This chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Aircraft: Any airplane, hydroairplane, seaplane, dirigible, balloon or other apparatus carrying one or more persons into or through the air, whether propelled and sustained by air currents or by power or motors contained in such aircraft.

~~**Emergency place of landing:** Any place where a landing may be effected in an emergency without unduly endangering life or property on such place of landing.~~

Known, established, recognized field or place of landing: A public or private field or place of landing where the landing of airplanes is permitted by the owners thereof and such fact is publicly known.

Limits of the city: All territory within the city limits and all space thereover.

Sec. 9-3. Airport ~~manager~~ director-Position authorized, term.

There shall be an airport ~~manager~~ director whose term of office shall be at the pleasure of the city manager.

Sec. 9-4. Same--Duties general.

The airport ~~manager~~ director shall have general control and management of the Lynchburg Regional Airport under the direction of the city manager. It shall be the duty of the airport ~~manager~~ director to see that the grounds, buildings and other city property at said airport are maintained in proper condition. He shall be responsible for planning, organizing, directing and administering all functions and activities of said airport. He shall represent the city in dealing with the Federal

Aviation Administration, Virginia Department of Aviation, airlines, fixed base operators, concessionaires and other users of the airport. He shall be responsible for negotiating and administering all airport leases. He shall conduct research and operational planning as required to make recommendations for the development and expansion of the airport to meet aviation growth and community needs. He shall be responsible for maintaining liaison with federal, state and local agencies. He shall supervise the enforcement of all laws and regulations of the Federal Aviation Administration, ~~state~~ Virginia Department of Aviation and city pertaining to said airport.

Sec. 9-5. Airport employees.

~~There shall be appointed by the city manager, upon recommendation of t~~The airport manager ~~director,~~ shall hire such employees for the Lynchburg Regional Airport as are necessary to maintain and operate such airport

Sec. 9-6. Rules and regulations generally.

The city manager is hereby authorized to make and promulgate general rules and regulations dealing with the use and operation of the airport; ~~airport, including establishment of traffic and taxi patterns for aircraft;~~ provided, however, that no such rule or regulation shall be valid when in conflict with applicable laws of the United States, this state or any rule or regulation promulgated pursuant thereto.

Sec. 9-6.1. City ordinances.

Pursuant to the provisions of Section ~~45.1-112~~ 15.2-1725 and ~~45.1-112.1~~ of the Code of Virginia (1950), as amended, all of the ordinances of the Code of the City of Lynchburg (1981), as amended, shall be applicable to the property owned by the city in Campbell County and operated as the Lynchburg Regional Airport. The members of the Lynchburg police department, having powers of arrest in the city, may go or may be sent to the Lynchburg Regional Airport for the purpose of protecting the airport property, keeping order therein, and otherwise enforcing the city's ordinances and laws of the Commonwealth of Virginia on the airport property. In addition to exercising full police powers at the Lynchburg Regional Airport such police officers shall also have the power to make arrests for the violation of any ordinances or laws occurring on the airport property. In the event any ordinance of the City of Lynchburg conflict with the provisions of any ordinance duly adopted by Campbell County, the Campbell County ordinance shall prevail.

2. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Sections 9-7 through 9-11 and Sections 9-23 through 9-38.

~~Sec. 9-7. Minimum altitude.~~

~~(a) No person shall guide or operate an aircraft over any section within the city limits at a height less than such a height as will enable such aircraft to glide to a known, established or recognized, open or unobstructed place of landing, nor shall any person under any circumstances, special or otherwise, guide or operate any aircraft within or above the corporate limits of the city at a height lower than one thousand five hundred (1,500) feet, except at the beginning or ending of flight.~~

~~(b) For purposes of aerial photography, persons regularly engaged in the business of aerial photography must obtain a permit from the city manager in order to operate aircraft at a lower altitude than one thousand five hundred (1,500) feet.~~

~~Sec. 9-8. Helicopter landings, takeoffs.~~

~~Helicopter landings and takeoffs may be permitted by the city manager or his designee at other than recognized fields or places of landing within the city upon a showing by the applicant that a suitable place of landing has been selected and upon condition that appropriate waivers be obtained from state and federal authorities.~~

~~Sec. 9-9. Stunt flying prohibited.~~

~~No person shall within or over the limits of the city guide or operate an aircraft in any manner designed to give any demonstration of trick flying, or aerial acrobatics or stunts, or make or cause to be made any manipulation of the control of any such aircraft as may tend to divert such aircraft from its normal flight.~~

~~Sec. 9-10. Dropping of advertisements, etc., prohibited.~~

~~No person in any aircraft shall throw, or cause or permit to be thrown out, discharged or dropped, any ballast, instruments, tools, containers, posters, handbills, samples or other material, unless it be directly over a place designated by the council for that purpose.~~

~~Sec. 9-11. Tools, equipment to be secured.~~

~~All tools and equipment carried in or upon aircraft shall be adequately fastened in place before leaving the ground and shall so remain except when in actual use.~~

~~Sec. 9-23. Compliance with article.~~

~~The provisions of this article are hereby established as minimum standards governing the qualifications and operations of general aviation operators and other commercial operators at the Lynchburg Municipal Airport. Prior to the leasing and granting of operating rights at the airport, the applicant shall furnish satisfactory proof that the provisions of this article will be met.~~

~~Sec. 9-24. Scope of service.~~

~~All fixed base operators shall be full time, financially sound and progressive business enterprises, with adequately manned and equipped facilities, including office facilities, and shall observe normal or specifically required business hours. Such fixed base operation shall include a full line aircraft dealership representing a major aircraft manufacturer~~

~~Sec. 9-25. Construction standards.~~

~~All construction required of fixed base operators shall be in accordance with design and construction standards required or established by the city for the facility or activity involved. All operators shall be required to furnish the city payment and performance bonds commensurate with any construction required under the minimum standards herein fixed or under any contract or lease by and between such operator and city.~~

~~Sec. 9-26. Customer conveniences.~~

~~All fixed base operators shall provide ample sanitary lounges and rest rooms for their customers and shall make telephone service conveniently and readily available for the public's use.~~

~~Sec. 9-27. Liability.~~

~~All fixed base operators shall conduct their activities and render their services in a safe, responsible and efficient manner and shall be solely responsible for all of the acts of their agents and/or employees and shall save and hold the city harmless from any act of the operator, its agents and employees.~~

~~Sec. 9-28. Rates, charges.~~

~~The rates or charges for any and all activities and services offered by fixed base operators shall be determined by the operators, subject to the requirement that all such rates and charges shall be reasonable and be equally and fairly applied to all users of the services. The rates or charges for any and all activities and services offered by fixed base operators shall be subject to the approval of the city when:~~

~~(a) an existing commercial tenant at the airport adds an additional product.~~

~~(b) a new commercial tenant enters into an agreement with the city with the intent of providing products, services, or facilities to the general public at the airport.~~

~~(c) the city receives a complaint regarding the rates and charges currently being charged to the general public by an existing airport tenant.~~

~~Sec. 9-29. Insurance.~~

~~All fixed base operators' contracts and leases shall provide for adequate insurance, including hangarkeeper's liability, public liability, products liability, property damage liability, each with clauses indemnifying and holding the city harmless and naming the city as an additional insured, and safety requirements commensurate with and applicable to such operators and their individual activities and services as required by the city.~~

~~Sec. 9-30. Lease required.~~

~~No fixed base operator shall be permitted to operate at the airport without a fully executed lease agreement with the city containing provisions for strict compliance with these minimum standards and regulations and containing such other special provisions as may be determined by the city to be necessary on account of any building or other construction which may be required under such lease or any other special circumstances which may be applicable to any such particular operator.~~

~~Sec. 9-31. Return of city's investment.~~

~~In the event the city constructs the physical plant facilities (hangars, etc.) for use by any fixed base operator under the provisions of any lease or other contract, such lease or contract with such operators shall be on such terms and conditions as to guarantee a full return of the investment within the lease period and reasonable rental for use during such period~~

~~Sec. 9-32. Compliance with applicable laws.~~

~~All fixed base operators shall abide by and comply with all of the airport, state and city laws and ordinances, and the rules and regulations of the airport, and shall comply with Federal Aviation Administration regulations pertaining to airports.~~

~~Sec. 9-33. Payment of taxes, assessments.~~

~~All fixed base operators shall, at their own expense, pay all taxes and assessments against any buildings or other structures placed on the premises by them, as well as all taxes and assessments against the personal property used by them in their operations.~~

~~Sec. 9-34. Obstruction lights.~~

~~All fixed base operators shall, at their own expense, install, maintain and operate proper obstruction lights on tops of all buildings or other structures used by them in their operations, and shall keep the same lighted from sunset to sunrise if required.~~

~~Sec. 9-35. Reservation of rights by city.~~

~~(a) The city reserves the right to further develop or improve all areas of the airport as it sees fit, regardless of the desires or views of any fixed base operators, and without interference or hindrance from any fixed base operators. It is so stipulated that the successful fixed base operator shall have the first right of refusal on any future developments wherein it is so indicated to fall within the planned activities of the fixed base operation.~~

~~(b) The city reserves the right to enter upon any premises leased to fixed base operators at reasonable times for the purpose of making such inspections as it may deem expedient, to the proper enforcement of these minimum standards and for the proper enforcement of any covenant or condition of any fixed base operator's contract or lease agreement.~~

~~Sec. 9-36. Financial responsibility.~~

~~Proof of sufficient available operating resources to sustain the operation for a reasonable length of time shall be provided by fixed base operators. Operating resources shall not include prospective profits from the operation.~~

~~Sec. 9-37. Hours of operation; minimum personnel.~~

~~The fixed base operation shall be open for business seven (7) days per week from official sunrise to sunset, with sufficient personnel available to handle peak business periods. The following employees shall be on duty, and available, during regular business hours; namely: At least one line serviceman, one FAA-certificated commercial pilot and/or flight instructor, and one FAA-certificated mechanic, except said mechanic is not required to be available on Sunday or holidays.~~

~~Sec. 9-38. Required services.~~

~~The following equipment facilities and personnel shall be provided by each fixed base operator for the furnishing of the services set forth below:~~

~~(a) Line service (aircraft refueling):~~

- ~~(1) An approved fuel tank farm of not less than thirty thousand (30,000) gallons, storing aviation kerosene and the most commonly used octanes of aviation gasoline.~~
- ~~(2) Approved refueling trucks (at least 2) sufficient to dispense the above-mentioned aviation fuels.~~
- ~~(3) Equipment and stocks to satisfactorily dispense various weights of oil.~~
- ~~(4) Mechanized equipment and tow bars to satisfactorily handle all popular twin-engine and single-engine aircraft.~~
- ~~(5) Auxiliary starting and aircraft heating units.~~
- ~~(6) Aircraft battery recharging units.~~
- ~~(7) Aircraft tire repair and inflation.~~
- ~~(8) Aircraft cleaning (interior and exterior).~~

~~All equipment, operational procedures, maintenance dispensing, etc., shall meet current standards, operational recommendations and performance of the American Petroleum Institute and the Federal Aviation Administration. Line service personnel shall be skilled and trained in servicing of aircraft and presenting a uniformed, neat, tidy appearance at all times. All incoming transient aircraft shall be properly directed, parked and checked.~~

~~Flight service:~~

- ~~(1) Aircraft and personnel sufficient to accommodate the public through FAA approved primary pilot training flight and ground school curriculum, and must maintain offices and classrooms under lease from the city to conduct such operation.~~
- ~~(2) Aircraft rental, charter and air taxi service shall meet all FAA requirements for such services. Charter service must provide single-engine and both pressurized and nonpressurized multi-engine aircraft.~~
- ~~(c) Maintenance service: Maintain adequate personnel, at least one (1) of which is an FAA approved A & P mechanic capable of providing aircraft mechanical services to accommodate the public. Establish and maintain such facilities and inventory to accomplish proper aircraft maintenance as approved by FAA.~~
- ~~(d) Aircraft sales: Maintain a contractual affiliation with at least one major producer of aircraft to offer for sale an adequate inventory of such aircraft. Adequate sales personnel should be employed, trained specifically and employed directly in aircraft sales to include aircraft financing, etc.~~

3. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 9-39 as follows:

Sec. 9-39. Minimum standards for aeronautical services or activities.

In order to ensure that the flying public and general aviation community are afforded an adequate level of aviation services when using the Lynchburg Regional Airport the Lynchburg City Council does hereby adopt the airport minimum standards for aeronautical services or activities that were approved by the regional airport commission on May 10, 2004, as fully as if the minimum standards were set out in full herein, and the minimum standards shall be controlling within the boundaries of the Lynchburg Regional Airport. Any person or entity providing aeronautical services to the public at the Lynchburg Regional Airport must comply with the airport minimum standards for aeronautical services or activities. A copy of the minimum standards for aeronautical services or activities shall be kept in the office of the airport director and shall be available for review upon request. It shall be the responsibility of any person or entity providing aeronautical services or activities at the Lynchburg Regional Airport to review the minimum standards and become familiar with its requirements before providing any aeronautical services or activities at the airport. Any subsequent amendments or revisions to the airport minimum standards by the city manager pursuant to Section 9-6 of the city code are hereby automatically incorporated into the city code.

4. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

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